

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Central Illinois Public Service Company	:	
d/b/a AmerenCIPS	:	
	:	07-0532
Petition for a Certificate of Public	:	
Convenience and Necessity, pursuant	:	
To Section 8-406 of the Illinois Public	:	
Utilities Act, to construct, operate and	:	
Maintain new 138,000 volt electric lines in	:	
Madison County, Illinois.	:	

**RESPONSE OF THE STAFF OF THE ILLINOIS COMMERCE COMMISSION
TO AMERENCIPS' MOTION TO ESTABLISH EXPEDITED BRIEFING
SCHEDULE FOR BRIEFS ON EXCEPTIONS AND REPLIES THERETO**

Pursuant to 83 Ill. Adm. Code 200.190, Staff of the Illinois Commerce Commission ("Staff"), by and through its undersigned counsel, hereby responds to the January 29, 2009, Motion to Establish Expedited Briefing Schedule for Briefs on Exceptions and Replies Thereto ("Motion") filed by Central Illinois Public Service Company, d/b/a AmerenCIPS ("AmerenCIPS"). Staff respectfully states as follows:

AmerenCIPS requests an Illinois Commerce Commission ("Commission") Order "establishing an expedited schedule for briefs on exceptions and reply briefs on exceptions in this matter." (Motion, p. 1) For the reasons set forth herein, Staff recommends the entry of such an Order be denied and a fair and reasonable schedule be established when the Proposed Order in this matter is issued.

As AmerenCIPS admits, the Proposed Order in the instant proceeding has not been issued. (*Id.*) As such, Staff has no knowledge of whether the Proposed Order will ultimately accept or reject any of Staff's positions. It is possible that Staff will be engaged in extensive briefing regarding the complex interrelationship under the Illinois Public Utilities Act ("Act") of Sections 8-406, 8-503 and 8-509, (220 ILCS 5/8-406, 8-503 and 8-509). As explained in Staff's Initial and Reply Briefs in this matter, Staff takes very seriously its responsibilities regarding the grant of eminent domain pursuant to the aforementioned Sections of the Act. If Staff is deprived of an opportunity to thoroughly and adequately argue its exceptions regarding this weighty issue, the Commission will be deprived of Staff's full and complete position.

AmerenCIPS proposes that Briefs on Exceptions be due 7 days after issuance of the Administrative Law Judge's Proposed Order and Briefs in Reply to Exceptions be due 5 working days after the Briefs on Exceptions are filed. (*Id.*, p. 2) Staff believes these suggested timeframes would be prejudicial to Staff. These timeframes would be unfair even for briefing legal issues less weighty than the potential taking of a landowner's property or property rights, as is involved in this proceeding. In a Commission proceeding, the typical schedule would be 14 days after service of the Proposed Order for Briefs on Exceptions and 7 days after filing Briefs on Exceptions for Briefs in Reply to Exceptions. (See 83 Ill. Adm. Code 200.830(a)) While the Administrative Law Judge could establish shorter timeframes, doing so in the current proceeding would be highly

prejudicial to Staff. Staff believes the 14/7 day schedule would be fair in this proceeding and so recommends.

For the reasons stated herein, Staff of the Illinois Commerce Commission respectfully requests that AmerenCIPS' Motion be denied and that a fair and reasonable schedule be established when the Proposed Order in this matter is issued.

Respectfully submitted,

A handwritten signature in black ink that reads "Linda M. Buell". The signature is written in a cursive, flowing style.

LINDA M. BUELL

Counsel for the Staff of the Illinois
Commerce Commission

February 6, 2009

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